



#4

PATENT  
Docket No. 293102003000

### DECLARATION FOR UTILITY PATENT APPLICATION

AS BELOW-NAMED INVENTORS, WE HEREBY DECLARE THAT:

Our residences, post office addresses, and citizenship are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled: MODIFIED BOVINE ADENOVIRUS HAVING ALTERED TROPISM, the specification of which is attached hereto unless the following box is checked:

☒ was filed on May 31, 2001 as United States Application Serial No. 09/871,212.

WE HEREBY STATE THAT WE HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

We acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

We hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

Application No.	Country	Date of Filing (day/month/year)	Priority Claimed?
			<input type="checkbox"/> Yes <input type="checkbox"/> No

We hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

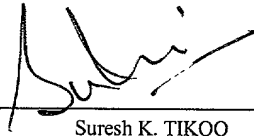
Application Serial No.	Filing Date
60/208,678	May 31, 2000

We hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, we acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

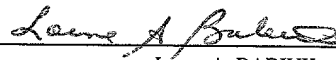
Application Serial No.	Filing Date	Status
		<input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

27-08-2001  
Date

  
Name: Suresh K. TIKOO  
Residence: 302-102 Edinburgh Place, Saskatoon, Saskatchewan, Canada S7H 5J7  
Citizenship: Canada  
Post Office Address: 302 102 Edinburgh Place, Saskatoon, Saskatchewan, Canada S7H 5J7

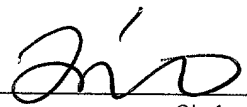
28.08.2001  
Date

  
Name: Lorne A. BABIUK  
Residence: 245 East Place, Saskatoon, Saskatchewan, Canada S7J 2Y1  
Citizenship: Canada  
Post Office Address: 245 East Place, Saskatoon, Saskatchewan, Canada S7J 2Y1

Date

Name: Linong ZHANG  
Residence: 35 Cedarcroft Boulevard, Apt. 703, North York, Ontario, Canada M2R 2Z4  
Citizenship: Canada  
Post Office Address: 35 Cedarcroft Boulevard, Apt. 703, North York, Ontario, Canada M2R 2Z4

30.08.2001  
Date

  
Name: Qiaohua WU  
Residence: 90 Litton Avenue, Groton, Connecticut 06340  
Citizenship: Canada  
Post Office Address: 90 Litton Avenue, Groton, Connecticut 06340



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Date

Name: Qiaohua WU  
Residence: 90 Litton Avenue, Groton, Connecticut 06340  
Citizenship: Canada  
Post Office Address: 90 Litton Avenue, Groton, Connecticut 06340



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Suresh K. TIKOO et al.

Serial No.: 09/871, 212

Filing Date: May 31, 2001

For: MODIFIED BOVINE ADENOVIRUS  
HAVING ALTERED TROPISM

Examiner: To Be Assigned

Group Art Unit: 1635

**PROSECUTION BY ASSIGNEE AND POWER OF ATTORNEY  
UNDER 37 C.F.R. § 3.71**

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

The University of Saskatchewan, the assignee of the entire right, title and interest in this patent application, under 37 C.F.R. § 3.71 hereby appoints:

Lisa A. Amii (Reg No. 48,199)  
Mehran Arjomand (Reg No. P48,231)  
Sanjay S. Bagade (Reg No. 42,280)  
Erwin J. Basinski (Reg No. 34,773)  
Richard R. Batt (Reg No. 43,485)  
Jonathan Bockman (Reg No. 45,640)  
Barry E. Bretschneider (Reg No. 28,055)  
Nicholas Buffinger (Reg No. 39,124)  
Mark R. Carter (Reg No. 39,131)  
Peng Chen (Reg No. 43,543)  
Thomas Chuang (Reg No. 44,616)  
Cara M. Coburn (Reg No. 46,631)  
Raj S. Davé (Reg No. 42,465)  
Karen B. Dow (Reg No. 29,684)  
Carolyn A. Favorito (Reg No. 39,183)  
Hector Gallegos (Reg No. 40,614)  
Debra J. Glaister (Reg No. 33,888)  
Johny U. Han (Reg No. 45,565)  
Alan S. Hodes (Reg No. 38,185)  
Kelvan P. Howard (Reg No. P48,999)  
Jill A. Jacobson (Reg No. 40,030)  
Madeline I. Johnston (Reg No. 36,174)

Randolph Ted Apple (Reg No. 36,429)  
Laurie A. Axford (Reg No. 35,053)  
Joseph Barrera (Reg No. 44,522)  
Shantanu Basu (Reg No. 43,318)  
Vincent J. Belusko (Reg No. 30,820)  
Kimberly A. Bolin (Reg No. 44,546)  
Tyler S. Brown (Reg No. 36,465)  
A. Randall Camacho (Reg No. 46,595)  
Robert K. Cerpa (Reg No. 39,933)  
Alex Chartove (Reg No. 31,942)  
Thomas E. Ciotti (Reg No. 21,013)  
Matthew M. D'Amore (Reg No. 42,457)  
Peter Davis (Reg No. 36,119)  
Stephen C. Durant (Reg No. 31,506)  
David L. Fehrman (Reg No. 28,600)  
Thomas George (Reg No. 45,740)  
Kenneth R. Glick (Reg No. 28,612)  
Douglas G. Hodder (Reg No. 41,840)  
Charles D. Holland (Reg No. 35,196)  
Peter Hsieh (Reg No. 44,780)  
Wayne Jaeschke, Jr. (Reg No. 38,503)  
Richard D. Jordan (Reg No. 33,519)

Parisa Jorjani (Reg No. 46,813)  
Richard C. Kim (Reg No. 40,046)  
Lawrence B. Kong (Reg No. P49,043)  
Glenn Kubota (Reg No. 44,197)  
Michael J. Mauriel (Reg No. 44,226)  
Philip A. Morin (Reg No. P-45,926)  
Mabel Ng (Reg No. P48,922)  
Catherine M. Polizzi (Reg No. 40,130)  
Debra A. Shetka (Reg No. 33,309)  
Rebecca Shortle (Reg No. 47,083)  
Stanley H. Thompson (Reg No. 45,160)  
Michael R. Ward (Reg No. 38,651)  
Todd W. Wight (Reg No. 45,218)  
David T. Yang (Reg No. 44,415)  
George C. Yu (Reg No. 44,418)

Ararat Kapouytian (Reg No. 40,044)  
Cameron A. King (Reg No. 41,897)  
Kawai Lau (Reg No. 44,461)  
Rimas T. Lukas (Reg No. 46,451)  
Gladys H. Monroy (Reg No. 32,430)  
Kate H. Murashige (Reg No. 29,959)  
Martin M. Noonan (Reg No. 44,264)  
Paul J. Riley (Reg No. 38,596)  
Terri Shieh-Newton (Reg No. 47,081)  
Kevin R. Spivak (Reg No. 43,148)  
Thomas L. Treffert (Reg No. P48,279)  
E. Thomas Wheelock (Reg No. 28,825)  
Frank Wu (Reg No. 41,386)  
Peter J. Yim (Reg No. 44,417)  
Karen R. Zachow (Reg No. 46,332)

all of Morrison & Foerster LLP, 755 Page Mill Road, Palo Alto, California 94304-1018, telephone (650) 813-5600, to prosecute this application and transact all matters in the United States Patent and Trademark Office connected therewith, said appointment to be to the exclusion of the inventors and their attorneys in accordance with the provisions of 37 C.F.R. § 3.71 provided that if any one of said attorneys or agents ceases being affiliated with the law firm of Morrison & Foerster as partner, employee or of counsel, such attorney's or agent's appointment as attorney or agent and all powers derived therefrom shall terminate on the date such attorney or agent ceases being so affiliated.

Please direct all written communications relative to this application to:

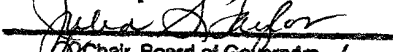
Gladys H. Monroy  
Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018

Please direct all telephone communications to Gladys H. Monroy at (650) 813-5711.

The University of Saskatchewan  
a (non-profit) university

**UNIVERSITY OF SASKATCHEWAN**

Dated: Aug 30/01

  
Chair, Board of Governors  
Name: Julia S. Taylor Julia S. Taylor,  
Title: Chair, Board of Governors Director, Research  
Address: Matt Webster Services  
Name: Matt Webster Matt Webster, Director,  
Title: Secretary, Board of Governors Trust Advisory  
Address: Services



**COPY**

**ASSIGNMENT  
JOINT**

THIS ASSIGNMENT, by Suresh K. TIKOO, Lorne A. BABIUK, Linong ZHANG and Qiaohua WU (hereinafter referred to as the assignors), residing at 302-102 Edinburgh Place, Saskatoon, Saskatchewan, Canada S7H 5J7; 245 East Place, Saskatoon, Saskatchewan, Canada S7J 2Y1; 35 Cedarcroft Boulevard, Apt. 703, North York, Ontario, Canada M2R 2Z4 and 90 Litton Avenue, Groton, Connecticut 06340, respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in MODIFIED BOVINE ADENOVIRUS HAVING ALTERED TROPISM, set forth in an application for Letters Patent of the United States, bearing Serial No. 09/871,212 and filed on May 31, 2001; and

WHEREAS, University of Saskatchewan, a university duly organized under and pursuant to the laws of Canada and having its principal place of business at 120 Veterinary Road, Saskatoon, Saskatchewan, S7N 5E3 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.


AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

**COPY**

AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

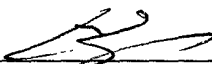
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Linong ZHANG

                      
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Qiaohua WU

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2001/12/31 10:00:00

**ASSIGNMENT  
JOINT**

**COPY**

THIS ASSIGNMENT, by Suresh K. TIKOO, Lorne A. BABIUK, Linong ZHANG and Qiaohua WU (hereinafter referred to as the assignors), residing at 302-102 Edinburgh Place, Saskatoon, Saskatchewan, Canada S7H 5J7; 245 East Place, Saskatoon, Saskatchewan, Canada S7J 2Y1; 35 Cedarcroft Boulevard, Apt. 703, North York, Ontario, Canada M2R 2Z4 and 90 Litton Avenue, Groton, Connecticut 06340, respectively, witnesseth:

WHEREAS, said assignors have invented certain new and useful improvements in MODIFIED BOVINE ADENOVIRUS HAVING ALTERED TROPISM, set forth in an application for Letters Patent of the United States, bearing Serial No. 09/871,212 and filed on May 31, 2001; and

WHEREAS, University of Saskatchewan, a university duly organized under and pursuant to the laws of Canada and having its principal place of business at 120 Veterinary Road, Saskatoon, Saskatchewan, S7N 5E3 (hereinafter referred to as the assignee) is desirous of acquiring the entire right, title and interest in and to said inventions and said application for Letters Patent of the United States, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon:

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, said assignors have sold, assigned, transferred and set over, and by these presents do sell, assign, transfer and set over, unto said assignee, its successors, legal representatives and assigns, the entire right, title and interest in and to the above-mentioned inventions, application for Letters Patent, and any and all Letters Patent or Patents in the United States of America and all foreign countries which may be granted therefor and thereon, and in and to any and all divisions, continuations and continuations-in-part of said application, or reissues or extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by said assignee, for its own use and the use of its successors, legal representatives and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted, as fully and entirely as the same would have been held and enjoyed by the assignors, had this sale and assignment not been made.

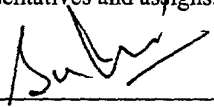
AND for the same consideration, said assignors hereby covenant and agree to and with said assignee its successors, legal representatives and assigns, that, at the time of execution and delivery of these presents, said assignors are the sole and lawful owners of the entire right, title and interest in and to said inventions and the application for Letters Patent above-mentioned, and that the same are unencumbered and that said assignors have good and full right and lawful authority to sell and convey the same in the manner herein set forth.

AND for the same consideration, said assignors hereby covenant and agree to and with said assignee, its successors, legal representatives and assigns, that said assignors will, whenever counsel of said assignee, or the counsel of its successors, legal representatives and assigns, shall advise that any proceeding in connection with said inventions, or said application for Letters Patent, or any proceeding in connection with Letters Patent for said inventions in any country, including interference proceedings, is lawful and desirable, or that any division, continuation or continuation-in-part of any application for Letters Patent or any reissue or extension of any Letters Patent, to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent for said inventions, without charge to said assignee, its successors, legal representatives and assigns, but at the cost and expense of said assignee, its successors, legal representatives and assigns.

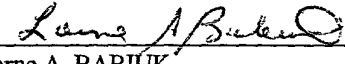
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AND said assignors hereby request the Commissioner of Patents to issue said Letters Patent of the United States to said assignee as the assignee of said inventions and the Letters Patent to be issued thereon for the sole use of said assignee, its successors, legal representatives and assigns.

27.08.2001  
Date

  
Suresh K. TIKOO

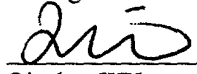
28.08.2001  
Date

  
Lorne A. BABIUK

        
Date

        
Linong ZHANG

30.08.2001  
Date

  
Qiaohua WU